Garcia, Al

From:	Garcia, Al
Sent:	Friday, April 12, 2019 8:57 AM
To:	Matthew Culpo
Cc:	Alysia Tien
Subject:	RE: IGA Template
Attachments:	2001 - April 2 - MOU - Fort Harrison and Helena.pdf

Hello Matt,

I saw that in your ordinance when I did my review in 2017 but I do not believe that the ordinance <u>alone</u> will provide the City the necessary authority to implement the Pretreatment program in the outside jurisdiction of Fort Harrison . The municipal ordinance for the Helena allows the Pretreatment Program to implement their legal authority within the geographical and legal boundaries defined by State Law. I did not see evidence that this ordinance can be extended outside the Helena boundaries.

Attached is a Memorandum of Understanding with Fort Harrison . The MOU states that Fort Harrison grants the City the authority to maintain, oversight, and generally manage the collection system in Fort Harrison, as a condition of discharging wastewater to the City. The same type of authority needs to be given to the City to implement the regulations in Fort Harrison .

However, if your City Attorney is willing to send me a written statement that Section 6-4-3 of the Helena Code provides the City the ability to implement the Pretreatment program in Fort Harrison in lieu of an IGA or MOU, then that will close out the corrective action.

Al Garcia
Pretreatment Coordinator
USEPA Region 8; 8WP-CWW
1595 Wynkoop
Denver, CO 80202

garcia.al@epa.gov
303.312.6382

From: Matthew Culpo <MCULPO@helenamt.gov>
Sent: Friday, April 12, 2019 8:42 AM
To: Garcia, Al <garcia.al@epa.gov>
Cc: Mark Fitzwater <mfitzwater@helenamt.gov>; Tien, Alysia <Tien.Alysia@epa.gov>
Subject: RE: IGA Template

Hi Al,

The following is per the City Attorney which demonstrates our authority to implement the pre-treatment program requirement at the VA.

6-4-3, Helena City Code: The provisions of this chapter apply to all users of the city POTW, including those located outside the city.

http://sterlingcodifiers.com/codebook/index.php?book_id=401&chapter_id=14251#s624385

Please let me know if anything else is needed with regard to the IGA request in our pre-treatment audit.

Thank you,

Matt Culpo, PE
Storm Water Engineer
City of Helena
City-County Building, Room 413
316 North Park Avenue
Ph: 406-447-8073
mculpo@helenamt.gov

From: Garcia, Al [mailto:garcia.al@epa.gov]
Sent: Thursday, April 11, 2019 3:40 PM
To: Matthew Culpo
Cc: Mark Fitzwater; Tien, Alysia
Subject: RE: IGA Template

Hello Matt,

As we discussed, attached is an IGA from the City of Great Falls and the Black Eagle Sanitation District. In addition, enclosed is my suggested language to address the following corrective action from the Sept 2017 Pretreatment audit:

Best Management Practices (BMP) are not currently established in §6-4-7(B) of the municipal ordinance as local limits or Pretreatment Standards. The City needs to add this language to ensure the BMPs are enforceable.

Helena Ordinance, Section 6-4-7(B):

The city reserves the right to establish discharge limitations more stringent than federal and state requirements, or limitations contained herein, and may develop BMPs to implement this chapter. (Ord. 3124, 6212010)

Suggested Language:

"BMPs shall be considered Local Limits and Pretreatment Standards for the purposes of this Article and Section 307(d) of the Act. "

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From: Matthew Culpo <MCULPO@helenamt.gov>
Sent: Wednesday, April 10, 2019 11:27 AM
To: Garcia, Al <garcia.al@epa.gov>
Cc: Mark Fitzwater <mfitzwater@helenamt.gov>
Subject: IGA Template

Hi Al,

Could you also please send us an IGA template or example from another community that represents what you are looking for in our program with the Veteran's Affairs complex?

Thank you,

Matt Culpo, PE
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City of Helena
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